


CLEAN AIR ACT7-46. Noncompliance Penalty: Review of Actual Expenditures and Adjustment of the Penalty

1. **AUTHORITY.** Pursuant to regulations promulgated under the noncompliance penalty section of Section 120 of the Clean Air Act:
 - a. To adjust and readjust the amount of the penalty assessed or the payment scheduled for the purpose of meeting requirements of that section.
 - b. To, within 180 days of the sources' coming into compliance, either reimburse it for any overpayment or assess and collect an additional payment for any underpayment of a noncompliance penalty in accordance with the CAA.
2. **TO WHOM REDELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance before doing so. The AA may waive consultation in writing.
 - b. Any official exercising this authority must obtain prior concurrence from the regional counsel or designee.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120(b)(8) and (9) and (d)(4) of the CAA.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date